APPENDIX

The World War Veterans' Act of 1924 as amended by the Act of July 3, 1930, c. 849, 46 Stat. 991, 992–993 (U. S. C., Title 38, Secs. 426, 445), provides in part:

> "SEC. 5. The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this Act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this Act, which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this Act; and all decisions of questions of fact and law affecting any claimant to the benefits of Titles II, III, or IV of this Act shall be conclusive except as otherwise provided herein. All officers and employees of the bureau shall perform such duties as may be assigned them by the director. All official acts performed by such officers or employees specially designated therefor by the director shall have the same force and effect as though performed by the director in person. Wherever under any provision or provisions of the Act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to

regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of compensation, insurance, vocational training, or maintenance and support allowance provided for in this Act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards: *Provided,* That regulations relating to the nature and extent of the proofs and evidence shall provide that due regard shall be given to lay and other evidence not of a medical nature."

"SEC. 19. In the event of disagreement as to claim, including claim for refund of premiums, under a contract of insurance between the bureau and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such persons or any one of them resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies. The procedure in such suits shall be the same as that provided in sections 5 and 6 of the Act entitled 'An Act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, and section 10 thereof so far as applicable * * *.

"No suit on yearly renewable term insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made or within one year

after the date of approval of this amendatory Act, whichever is the later date, and no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made: *Provided,* That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided, further,* That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director * * *.

"The term 'claim' as used in this section, means any writing which alleges permanent and total disability at a time when the contract of insurance was in force, or which uses words showing an intention to claim insurance benefits and the term 'disagreement' means a denial of the claim by the director or some one acting in his name on an appeal to the director. This section, as amended, with the exception of this paragraph, shall apply to all suits now pending against the United States under the provisions of the War Risk Insurance Act, as amended, or the World War Veterans' Act, 1924, as amended."

Section 35 of the Independent Offices Appropriation Act of 1935, c. 102, 48 Stat. 509, 526–527 (U. S. C., Title 38, Sec. 511a) provides:

That notwithstanding the provisions of section 17 of title I of an Act entitled "An Act to maintain the credit of the United States Government," approved March 20, 1933, and section 20 of an Act entitled "An

Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", approved June 16, 1933, any claim for yearly renewable term insurance under the provisions of laws repealed by said section 17, wherein claim was duly filed prior to March 20, 1933, and on which maturity of the insurance contract had been determined by the Veterans' Administration prior to March 20, 1933, and where payments could not be made because of the provisions of the Act of March 20, 1933, or under the provisions of the Act of June 16, 1933, may be adjudicated by the Veterans' Administration, and any person found entitled to yearly renewable term insurance benefits claimed shall be paid such benefits in accordance with and in the amounts provided by such prior laws.

REGULATIONS

On November 1, 1931, the following regulation was promulgated by the Administrator of Veterans' Affairs:

3204. APPEAL FROM DECISION BY INSURANCE CLAIMS COUNCIL. Where the insurance claims council finds that permanent and total disability does not exist as alleged, such denial shall be final. However, the veteran or his representative shall have the right of appeal to the administrator from any finding made pursuant to the authority contained in sections 3200 and 3203 providing such appeal be exercised within sixty days from the date of receipt of notice of the final action of the council. Such appeal

must be in writing and otherwise comply with the regulations governing appeals to the administrator.

The following instructions were issued on April 11, 1934, by the Administrator of Veterans' Affairs:

> The following instructions are issued governing adjudication of yearly renewable term insurance claims under Section 35, Public, No. 141, 73d Congress (38 U. S. C. 511a):
>
> Without further filing of application thereon there will be presented to me for consideration, together with a brief of the facts and recommendation, all claims which would be otherwise proper for payment except for the provisions of Section 17, Public, No. 2, 73d Congress, provided that the following conditions have been complied with:
>
> 1. Claim for insurance has been filed prior to March 20, 1933.
>
> 2. Maturity of the insurance contract had been determined by the Veterans' Administration prior to March 20, 1933.
>
> The phrase "on which maturity of the insurance contract had been determined by the Veterans' Administration" as used in Section 35, Public, No. 141, 73d Congress, will mean that final action has been taken by an employee or board of competent jurisdiction of the Veterans' Administration, which action is not subject to review or further approval except on appeal, definitely determining that the insured died or became permanently and totally disabled according to the conditions of the insurance contract.

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